

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

*In the matter of a subpoena issued in the case of:*

**VAAD L'HAFOTZAS SICHOS, INC. and  
ZALMAN CHANIN,**

Plaintiffs,

V.

**CHAIM YEHUDAH KRINSKY, YOSSEF B. FRIEDMAN, MERKOS L'INYONEI CHINUCH, INC., MERKOS L'INYONEI CHINUCH, and AGUDAS CHASIDEI CHABAD OF THE UNITED STATES,**

Defendants.

Miscellaneous Case No.: 13MISC0407

Civil Action No. 11-5658 (FB)(JO)

### Case Pending in the United States

District Court for the Eastern District

*of New York*, Honorable Frederic Block

**MOTION OF DEFENDANTS MERKOS L'INYONEI CHINUCH, INC. AND  
MERKOS L'INYONEI CHINUCH FOR CONTEMPT**

Defendants Merkos L'Inyonei Chinuch, Inc. and Merkos L'Inyonei Chinuch

(collectively, “Merkos”), by and through their counsel, Goodwin Procter LLP, respectfully move the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, for an Order, pursuant to Rules 26(b) and 45(e) of the Federal Rules of Civil Procedure, 1) finding nonparty Rabbi Nachman Schapiro in contempt, 2) compelling Rabbi Nachman Schapiro’s compliance with a Rule 45 subpoena duces tecum commanding production of certain documents containing handwritten notes by the Lubavitcher Rebbe, as more fully described below, and 3) awarding costs and expenses, including attorneys’ fees, in making this motion.

The grounds on which this motion is based are set forth in the accompanying

Memorandum In Support of Defendants Merkos L'Inyonei Chinuch, Inc. and Merkos L'Inyonei

Chinuch's Motion for Contempt and the Declaration of Jonathan A. Auerbach. Pursuant to Fed. R. Civ. P. 37(a)(1), counsel for Merkos certifies that this motion is made following questioning by Merkos' counsel at the deposition of Rabbi Nachman Schapiro, in the presence of his counsel, during which a good faith attempt was made to obtain Rabbi Nachman Schapiro's agreement to produce the requested documents.

Dated: December 6, 2013

Respectfully submitted,



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